

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSEPH ANTONETTI,

Plaintiff,

vs.

BARACK OBAMA, *et al.*,

Defendants.

3:11-cv-00548-LRH-WGC

ORDER

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. Plaintiff has filed a motion for reconsideration (ECF No. 8) of the Magistrate Judge's order, entered November 3, 2011 (ECF No. 7).

The order of the Magistrate Judge noted that plaintiff's complaint exceeds 90 pages, in violation of Rule 2-1 of the Local Rules of Special Proceedings. The Magistrate Judge further found that much of the complaint is illegible and repetitious. The Magistrate Judge's order dismissed the complaint and granted plaintiff leave to file an amended complaint, having the Clerk's Office send plaintiff the proper civil rights complaint form and instructions for the same. (ECF No. 7).

Plaintiff's present motion for reconsideration is unconvincing. Plaintiff claims that he cannot articulate his claims in a briefer fashion than he did in his original complaint. Plaintiff notes that he has filed several civil actions in this Court. (ECF No. 8, at p. 3). Plaintiff complains that it is difficult for him to obtain paper and supplies. Ironically, at the same time, plaintiff requests leave to file an "enlarged complaint" exceeding the page limitation of Rule 2-1 of the Local Rules of Special Proceedings, when he files his amended complaint. (ECF No. 8, at pp. 1-5).

1 This Court finds that the Magistrate Judge's order of November 3, 2011, is not clearly
2 erroneous or contrary to law. *See* 28 U.S.C. § 636(b)(1)(A). This Court agrees with the Magistrate
3 Judge's ruling that the complaint is unduly lengthy at over 90 pages, is repetitious, and is illegible in
4 part. In addition, much of the complaint fails to state a claim. For example, the first defendant
5 named in the complaint is United States President Barack Obama. (Complaint, at p. 1). The
6 President of the United States is absolutely immune from suit for damages for conduct that is part of
7 the President's official duties. *Forrester v. White*, 484 U.S. 219, 225 (1988); *Fry v. Melaragno*,
8 939 F.2d 832, 836 (9th Cir. 1991). It is just this type of frivolous claim that leads this Court to reject
9 plaintiff's complaint in its current form.

10 The November 3, 2011 order of the Magistrate Judge is affirmed and plaintiff shall comply
11 with all aspects of the order. Plaintiff's request to file an "enlarged" amended complaint exceeding
12 the page limitation of Rule 2-1 of the Local Rules of Special Proceedings is denied. Plaintiff's
13 failure to submit an amended complaint in compliance with the Magistrate Judge's order will result
14 in dismissal of this entire action.

15 **IT IS THEREFORE ORDERED** that plaintiff's motion for reconsideration (ECF No. 8) of
16 the Magistrate Judge's order is **DENIED**. The Magistrate Judge's order of November 3, 2011 is
17 **AFFIRMED**.

18 **IT IS FURTHER ORDERED** that plaintiff's request to file an "enlarged" amended
19 complaint exceeding the page limitation of Rule 2-1 of the Local Rules of Special Proceedings is
20 **DENIED**.

21 **IT IS FURTHER ORDERED** that plaintiff shall file a legible amended complaint within **30**
22 **days** that complies with Rule 2-1 of the Local Rules of Special Proceedings and the "Information
23 and Instructions for Filing a Civil Rights Complaint."

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1 **IT IS FURTHER ORDERED** that failure to file an amended complaint in compliance with
2 this order and the Magistrate Judge's order of November 3, 2011, will result in dismissal of this
3 action.

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5 Dated this 29th day of November, 2011.

A handwritten signature in blue ink, appearing to read "L. Hicks", is written above the printed name of the judge.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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